

1870, and an act supplemental thereto, approved October 13, 1871," was made special order for to-morrow at 10:30 o'clock A. M.

On motion of Senator Franks, the Senate adjourned until 10 o'clock A. M. to-morrow.

SENATE CHAMBER.  
AUSTIN, TEXAS, May 2, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Franks, the journal of yesterday was read and adopted.

On motion of Senator Ball, Senator Finlay was excused from attendance on the Senate for to-day.

A petition from the citizens of Tarrant county, asking the confirmation of W. B. Lawrence, Esq., as notary public of said county, was taken from the President's desk and read.

Senator King, chairman of Committee on Engrossed Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills:

"An act supplemental to an act entitled an act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose, approved March 20, 1873."

Senate bill No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof."

HENRY C. KING, Chairman.

Senator Latimer, chairman of the Committee on Roads, Bridges and Ferries, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Roads, Bridges and Ferries have had under consideration Senate bill No. 322, "An act to be entitled an act to authorize G. W. Harper to construct and keep a toll bridge across South Sulphur Fork of Red River," and they have instructed me to report the same back to the Senate with the recommendation that it do pass.

H. R. LATIMER, Chairman.



Senator Avinger, chairman *pro tem.* of the Committee on State Affairs, submitted the following reports:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 794, to be entitled "An act to amend section seven of an act to incorporate the city of Waco," having carefully considered the same, I am instructed to report it back with the recommendation that it do pass.

H. J. AVINGER, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 309, to be entitled "An act to incorporate the Weatherford Hook and Ladder Company No. 1," having carefully considered the same, instruct me to report it back and recommend its passage.

H. J. AVINGER, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 80, to be entitled "An act to provide for the payment of guards in conveying prisoners to the Penitentiary in certain cases," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage.

H. J. AVINGER, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 217, to be entitled "An act to incorporate the trustees of the Hempstead Baptist Church, in the town of Hempstead, Austin county," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage.

H. J. AVINGER, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 367, to be entitled "An act to incorporate Marvin College," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage.

H. J. AVINGER, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 385, to be entitled "An act to incorporate Ladonia, in Fannin county," having carefully



considered the same, I am instructed to report it back and recommend its passage with the accompanying amendments. H. J. AVINGER, Chairman *pro tem*.

Amend section five by striking out the word "poll" wherever it occurs.

Amend section eight by striking out all after the word "order" in line six, down to and including the word "powers," in line ten.

Amend section ten by striking out all after the word "corporation," in line three, down to and including the word "corporation," in line ten.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 580, to be entitled "An act to incorporate the town of Decatur, in Wise county," having carefully considered the same, ask leave to report it back and recommend its passage with the accompanying amendments. H. J. AVINGER, Chairman, *pro tem*.

Amend section twelve by striking out all after the word "courts," in line six.

Amend section fifteen by striking out all down to and including the word "town," in line three.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 522, to be entitled "An act to prohibit the sale of intoxicating liquors within four miles of Bosqueville Male and Female College," having carefully considered the same, ask leave to report it back with the recommendation that it do pass.

H. J. AVINGER, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 748, to be entitled "An act to incorporate the Texas and European Beef Company, of Galveston," having carefully considered the same, I am instructed to report it back and recommend its passage.

H. J. AVINGER, Chairman *pro tem*.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 754, to be entitled "An act to incorporate the Board of Trustees of the Centreville Academic School," having carefully considered the same, ask leave to report it back and recommend its passage.

H. J. AVINGER, Chairman *pro tem*.



*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 295, to be entitled "An act to incorporate the town of Rockwall, in Rockwall county," having carefully considered the same, ask leave to report it back and recommend its passage.

H. J. AVINGER, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 166, to be entitled "An act for the relief of Hugh Reed," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage, with the accompanying amendment.

H. J. AVINGER, Chairman *pro tem.*

Amend section one, line four, by striking out the words "three hundred" and inserting in lieu thereof the words "two hundred and fifty."

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 525, to be entitled "An act to incorporate the Hebrew Benevolent Association of Waco," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage.

H. J. AVINGER, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your committee on State Affairs, to whom was referred House bill No. 174, to be entitled "An act to amend, and supplemental to, an act to provide for the incorporation of towns and cities, approved January 27, 1858," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage.

H. J. AVINGER, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred House bill No. 646, to be entitled "An act to incorporate the Middle Texas Fair Association," having carefully considered the same, ask leave to report it back and recommend its passage.

H. J. AVINGER, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was



May 2, 1873.]

SENATE JOURNAL.

referred House bill No. 216, to be entitled "An act to amend an act incorporating the trustees of Baylor University, passed by the Congress of the Republic of Texas February 1, 1845," having carefully considered the same, ask leave to report it back with the recommendation that it do pass.

H. J. AVINGER, Chairman *pro tem.*

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 665, to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors within three miles of an institution of learning situated at Mt. Enterprise, in Rusk county," having carefully considered the same, I am instructed to report the same back with the recommendation that it do pass.

H. J. AVINGER, Chairman *pro tem.*

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 391, to be entitled "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county," having carefully considered the same, I am instructed to report it back and recommend its passage.

H. J. AVINGER, Chairman *pro tem.*

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 566, to be entitled "An act to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, in Freestone county," having carefully considered the same, ask leave to report it back to the Senate with the recommendation that it do pass.

H. J. AVINGER, Chairman *pro tem.*

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 591, to be entitled "An act to prohibit the sale of spirituous or other intoxicating liquors within two miles of Lavernia Male and Female High School," having carefully considered the same, ask leave to report it back and recommend its passage.

H. J. AVINGER, Chairman *pro tem.*

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 209, to be entitled "An act to regulate the issuing of land patents in certain cases,"



ng carefully considered the same, I am instructed to  
rt it back to the Senate and recommend its reference  
idiciary Committee No. 1.

H. J. AVINGER, Chairman *pro tem*.

On motion of Senator Fountain, the report was taken  
up and adopted, and the bill referred to Judiciary Com-  
mittee No. 1, as requested.

Senator Avinger, chairman of the Committee on Coun-  
ties and County Boundaries, submitted the following re-  
port:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Counties and County Boun-  
daries, to whom was referred House bill No. 782, "An  
act providing for permanently locating the county seat of  
Robertson county," have duly considered the same, and  
instruct me to report it back and recommend that it do  
pass.

H. J. AVINGER, Chairman.

Senator Shelley introduced a bill to be entitled "An act  
for the preservation of birds and game." Read first time  
and referred to the Committee on State Affairs.

Senator Pyle offered the following resolution, which  
was adopted:

*Resolved*, That the President of the Senate be author-  
ized to employ, if necessary, an assistant doorkeeper  
during the illness of the assistant doorkeeper, Mr. Mur-  
ray.

A message was received from the House informing the  
Senate that the House had passed the following bills:

Senate bill No. 184, "An act to incorporate the Ger-  
mania of Columbus."

Senate joint resolution No. 32, "Joint resolution in-  
structing our Senators and requesting our Representa-  
tives in Congress to endeavor to secure the improve-  
ment of the harbor of Galveston, and requesting for  
the memorial of the mayor and board of aldermen of the  
city of Galveston upon that subject the early and favor-  
able consideration of the Congress of the United States."

Also, that the House had passed House bill No. 340,  
"An act to ascertain the amounts due the teachers of the  
public free schools of this State prior to the first day of  
March, A. D. 1873, and to provide for the payment of  
the same," notwithstanding the Governor's objection.

Also, that the House amended House bill No. 594, "An



act to incorporate the St. Louis and Mexican Road Company, and to grant lands to aid in consideration thereof," as follows: Section ten, line three, strike out "September," and insert "November;" section eleven, line five, strike out "September," and insert "November;" which amendments, through error of the clerk, did not appear in the bill as reported to the Senate.

Senator Dillard in the chair.

Senator Shelley moved to reconsider the vote taken yesterday on the passage of the St. Louis and Mexican Gulf Railroad bill.

The hour having arrived, the special order was taken up, viz., House bill No. 517, "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871." The bill was read second time.

Senator Tracy offered the following amendment: Amend by adding at the end of section two the words: "Provided, that if said company shall construct the road herein provided for, of a less gauge than four feet and eight and half inches in width, it shall be entitled to only twelve sections of land per mile for every mile of its road constructed and put in good running order." Adopted.

Senator King offered the following amendment: Amend section one, line ten, by striking out the word "and," and adding at the end of same section the words "and San Antonio." Adopted.

Senator Sayers offered the following amendment: Amend section one by inserting at the end thereof the following: "And if a branch is built to the town of Bastrop, the depot building shall be located within one-half mile of the court house in said town." Adopted.

Senator King offered the following amendment: Amend section four, line nine, by adding after "New Braunfels" the words, "to the city of San Antonio," and by adding at the end of same section, "and provided further, that the depot at San Antonio may be established at a distance not greater than one mile from the court house of said city." Adopted.

On motion of Senator Baker, the rules were suspended, and the bill as amended read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Cole, Dohoney, Evans,



sic

Ball, Henry, King, Latimer, Pyle, Rawson,  
Flor, Sayers, Shelley, Swift, Tendick, Tracy,  
and Mr. President—20.  
—Senator Ford—1.

On motion of Senator Pyle, the rules were suspended  
to take up out of its order House bill No. 13, "An act  
to incorporate the city of Corsicana."

The bill was read second time and the amendments  
recommended by the committee adopted; rules further  
suspended, bill read third time and passed.

Senator Latimer, chairman of Committee on Enrolled  
Bills, reported as follows:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills would respect-  
fully report that they have carefully examined and com-  
pared the following bills:

Senate bill No. 218, "An act to establish and maintain  
a system of public free schools in the State of Texas."

Senate bill No. 268, "An act to authorize the County  
Court of Lamar County to contract for the building of a  
court house and jail in said county, and to issue and sell  
the bonds of the county for that purpose."

Senate bill No. 302, "An act to incorporate the town of  
McDade, in Bastrop county, Texas."

And find the same correctly enrolled.

H. R. LATIMER, Chairman.

The hour having arrived, the special order was taken up,  
viz., Senate bill No. 172, "An act to provide for the as-  
sessment and collection of taxes on railroads."

During the consideration of the bill, Senator Fountain  
moved to suspend the rules to take up House bill No.  
721, "An act to regulate the assessment and collection of  
taxes." Carried.

On motion of Senator Fountain, the two bills were re-  
ferred to the Committee on Finance.

The hour having arrived, the special order was taken  
up, viz., House bill No. 467, "An act to adjust and de-  
fine the rights of the Texas and Pacific Railway Company  
within the State of Texas, in order to encourage the  
speedy construction of a railway through the State to the  
Pacific Ocean." The bill was read second time.

Senator Flanagan moved to consider the amendments  
reported by the Committee on Internal Improvements,  
*seriatim.* Carried.



May 2, 1873.]

SENATE JOURNAL.

671

The following amendments were then considered and adopted, viz:

1. Amend section three by inserting after the word "to," in line forty-two of engrossed bill, and line fifty-five, printed bill, the following: "A point not less than one-fourth nor more than one-half mile from the court house in the town of Weatherford, in Parker county, at which point said company shall establish and maintain a freight and passenger depot; *provided*, it shall not be obligatory upon said company to go by said town and establish said depot, in the event the said town of Weatherford fails to give said company, free of charge, twenty-five acres of land, the same to be designated by the said company, for the purpose of depot buildings, track, sidings, switches and turn-outs; and also give, free of charge, the right of way through the said town, and a tract of twenty five acres of land situated on the line of said railroad, and within one and a half miles of the court house in said town; and thence westwardly on the most practicable route to."

2. Amend same section by striking out all after the word "Mexico," in line forty-four, engrossed bill, and line fifty-eight in printed bill, to the word "and" in line sixty-five in engrossed bill, and line eighty-five in printed bill.

3. Amend section four by striking out the word "issuance," in line seven of the engrossed bill, and line eight of the printed bill, and inserting in lieu thereof the word "location."

4. Amend same section by striking out all after the word "the" to the word "and," in line eighteen of the engrossed bill, and lines twenty-two and twenty-three of the printed bill, and inserting in lieu thereof the following words: "rights conferred by this act."

5. Amend section ten by inserting after the word "enacted," in line thirteen of the engrossed and line seventeen of the printed bill, the following words: "*provided*, that said connecting road or roads shall not discriminate in their charges for freight and passengers against said Texas and Pacific Railway Company, but shall carry the same at the same rates and charges as said railroad company or companies carry their own freight and passengers."

6. Amend section ten by inserting after the word "State," in line eighteen of the engrossed bill, and line twenty-



three in the printed bill, the following words: "running parallel with the said Texas and Pacific Railroad, or in the same general direction."

7. Amend section eleven, line 10, of both printed and engrossed bills, by striking out the word "ten," and inserting in lieu thereof the word "fifteen."

8. Amend section eleven, line six of the engrossed bill, and line seven of the printed bill, by striking out the word "twenty" and inserting in lieu thereof the word "thirty."

Senator Word offered the following substitute for the third amendment reported by the committee, viz: Amend same section, in line seventy-one, by striking out "December, 1873," and inserting "April, 1874." Adopted.

Senator Shelley offered the following amendment: Amend section three by adding thereto the following: "*provided*, that the grant of land herein made shall not be construed to give to said company a greater number of acres of land than the amount or number of acres computed as herein provided for the number of miles of road within the State of Texas." Adopted.

The bill as amended was then passed to a third reading; rules suspended, the bill read third time and passed by the following two thirds vote:

Yeas—Senators Avinger, Baker, Ball, Dillard, Dohoney, Evans, Ford, Flanagan, Fountain, Gaines, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Swift, Tendick, Tracy, Word and Mr. President—26.

Senator Shelley was paired off with Senator Broughton, and did not vote, but stated that he would have voted nay had he not been paired off.

On motion of Senator Franks, Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain judicial districts therein named," was taken up and made the special order for to-morrow at 12 o'clock M.

On motion of Senator Sayers, the rules were suspended to take up out of its order Senate bill No. 311, "An act to incorporate the Bastrop Turn Verein."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Flanagan, Fountain, Gaines,



Henry, King, Latimer, Rawson, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Tracy—22.

Nay—Senator Word—1.

By leave Senator Tendick introduced a bill to be entitled "An act for the relief of the Columbus Lodge No. 51, I. O. O. F." Read first time and referred to the Committee on State Affairs.

The Senate then adopted the motion made this morning by Senator Shelley to reconsider the vote passing House bill No. 594, "An act to incorporate the St. Louis and Mexican Gulf Railroad Company," and the secretary of the Senate was instructed to incorporate the amendments reported from the House as having been accidentally omitted by that body to the bill, which amendments are to insert "November" instead of "September," in lines three and five of section ten.

Senator Dohoney proposed to amend section one by striking out all after "whatsoever" in line thirty-two of the printed bill. Adopted by a two-thirds vote, there being twenty-three yeas and no nays.

The bill then passed by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dillard, Dohoney, Evans, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Saylor, Shelley, Swift, Tracy and Word—21.

On motion of Senator Rawson, the Senate adjourned to 10 o'clock A. M. to-morrow by the following vote:

Yeas—Senators Baker, Cole, Evans, Flanagan, Gaines, Hall, Latimer, Pyle, Rawson, Randle, Shelley and Tendick—12.

Nays—Senators Avinger, Dillard, Ford, Fountain, Henry, Ruby, Saylor, Sayers, Swift, Tracy and Word—11.

#### SENATE CHAMBER.

AUSTIN, TEXAS, May 3, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Mr. Wright.

On motion of Senator Rawson, the reading of the journal of yesterday was dispensed with.

Senator Baker presented a petition from Julius Raymond, a citizen of Hays county, asking the Legislature to